## REMARKS

Claims 1-23 are pending in this Office Action. Claims 18-23 have been allowed, and claims 9-17 have been deemed allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Claims 1-8 have been rejected. The present Office Action is in response to the Appeal Brief filed by the Applicant on January 11, 2007.

At paragraph 6, the Examiner rejects claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2001/0049620 (Blasko) in view of U.S. Patent No. 6,249,772 (Walker). The Applicant traverses these rejections. The Applicant respectfully disagrees that the combination of Blasko and Walker renders claims 1-8 obvious. Moreover, The Applicant submits a rule 131 declaration herewith, which backdates Blasko, thus rendering its application moot.

Regarding claims 1-8, the Examiner asserts that Blasko discloses, "specifying a negotiant function designed to accept a plurality of elements of data associated [sic] an information request as output, said information request designating at least one element of information to present to the consumer from among a plurality of elements of information." The Applicant respectfully points out that this is an incomplete characterization of the relevant limitation of claim 1. The relevant limitation is as follows:

> specifying a negotiant function designed to accept a plurality of elements of data associated
> <u>with a consumer as input and produce</u> an information request as output, said information
> request designating at least one element of information to present to the consumer from among
> a plurality of elements of information; (emphasis added)

The underlined portion of the limitation above is missing from the Examiner's characterization.

The Examiner cites the Abstract and paragraphs [0014], [0024], [0094] and [0132] of Blasko as disclosing this limitation. The Applicant respectfully disagrees. None of these citations, nor the Blasko reference in general, teach or suggest a negotiant function as required by independent claims 1, 3 and 7. As the Applicant has set forth in previous Responses and in the above-mentioned Appeal Brief, independent claims 1, 3 and 7 each recite a method for enabling use of detailed

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consumer profiles for delivering targeted information, while protecting these profiles from disclosure to information providers or hostile third parties. Rather than gathering data about a consumer in order to decide which information to send him or her, an information provider makes use of a client side executable software module called a "negotiant function." U.S. Patent Application Publication US 2002/0026345, paragraph [0010]. The negotiant function requests elements of information from the information provider. These elements of information are tailored to the characteristics of the consumer. *Id.* at paragraph [0011]. None of the text from Blasko cited by the Examiner teaches or suggests such a negotiant function.

The Abstract of Blasko describes computing a "transaction profile vector" that is based on an evaluation of recorded transaction data. The transaction profile vector includes demographic attributes and preference attributes. The Abstract does not teach or suggest the aspects of a negotiant function set forth above and in the application, for example requesting elements of information from an information provider that are tailored to the characteristics of the consumer.

Paragraph [0014] of Blasko, which is from the "Background" section, describes drawbacks of prior art privacy protection schemes and does not teach or suggest the aspects of a negotiant function set forth above and in the application.

Paragraph [0024] of Blasko describes an embodiment of the Blasko invention, which includes storing transaction profile information in databases, using local profilers to generate enhanced profile vectors from transactional information, and a secure profiling server for processing the profile vectors. Paragraph [0024] does not teach or suggest the aspects of a negotiant function set forth above and in the application.

Paragraph [0094] of Blasko describes filtering advertisements and cookies, and describes a P3P agent 514 that provides security and protects user private information. This paragraph provides an example of protecting such private information by using the "W3C APPEL ordered rule based language to negotiate access to data in the P3P data set." This use of the term "negotiate" is in no way related to a negotiant function as set forth above, in the claims and in the application. There is

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no teaching or suggestion of a client side executable software module that requests elements of information from the information provider, or tailors the elements of information to the characteristics of the consumer.

Paragraph [0132] of Blasko also uses the term "negotiated" in a way completely unrelated to a negotiant function as set forth above. This paragraph describes an implementation in which an advertisement is negotiated before the user transmits the profile vector to the evaluator. In the example given, the user was already promised a 30% discount on a next purchase based on previous actions. As with paragraph [0094] above, paragraph [0132] provides no teaching or suggestion of a client side executable software module that requests elements of information from the information provider, or tailors the elements of information to the characteristics of the consumer.

For at least these reasons, the Applicant respectfully submits that Blasko does not teach or suggest a negotiant function. Since Blasko does not disclose all of the elements of independent claims 1, 3 and 7, those claims are allowable. Since claim 2 depends from allowable claim 1, claims 4-6 depend from allowable claim 3, and claim 8 depends from allowable claim 7, those claims are also allowable.

The Examiner further asserts that the claim element "distributing the negotiant function" is disclosed by Blasko at paragraphs [0014], [0024], [0094] and [0132]. However, as set forth in the analysis of those paragraphs above, Blasko does not disclose distribution of a negotiant function or of any function.

The Examiner admits that Blasko fails to explicitly disclose the step of "distributing the negotiant function to a consumer for execution by said consumer." To supply that which is missing from Blasko, the Examiner states, "the Examiner has made an updated search and found new prior art (Walker et al. 772")." However, the Walker reference, U.S. Patent No. 6.249,772, was originally cited in the Office Action dated May 11, 2005. The Applicant has previously addressed the deficiencies of Walker in the Response of October 7, 2005, in the Response of March 8, 2006, in the Pre-Appeal Brief Request for Review of June 9, 2006, and in the Appeal Brief of January 11, 2007.

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Walker describes a system that allows a user to identify and select, through a computer-based web browser, a product at a local retailer. The Walker system allows a user to negotiate a price for the product through the browser, but does not teach or suggest distributing a negotiant function to a consumer, or execution of the negotiant function.
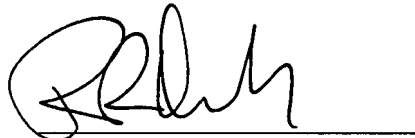
Independent claims 1, 3 and 7 recite a "negotiant" function, and not a function that negotiates a price as Walker discloses. The specification describes a "negotiant" function for one embodiment as a function that takes information related to a consumer as input, and produces an output related to an advertisement selection. The output can be an actual advertisement selection, or information that can be used to derive an advertisement selection. The negotiant function therefore acts as a client-side proxy to protect consumer data, and also directs the targeting of information. U.S. Patent Application Publication US 2002/0026345, paragraph [0039]. The negotiant function as recited in the rejected claims does not "negotiate" a price, as that term is used in Walker.

Filed herewith is a Request for a One-Month Extension of Time, which extends the statutory period for response to expire on September 24, 2007. Accordingly, Applicant respectfully submits that this response is being timely filed.

In view of the above amendment, applicant believes the pending application is in condition for allowance. No other fees are believed to be due in connection with the filing of this response, however the Commissioner is authorized to debit Deposit Account No. 08-0219 for any required fee necessary to maintain the pendency of this application.

Respectfully submitted,

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